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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 4691 OF 2006

Nandkumar Moreshwar Satghar and Ors. ... Petitioners

Versus

The State of Mah. and Ors. ... Respondents

Mr. P.M. Shah for Petitioners.

Mrs.M.P. Thakur, A.G.P. for R. Nos. 1 to 3.

CORAM: F.I. REBELLO &
R.M. SAVANT,JJ.
DATED: MARCH 30, 2007

P.C.:

. Rule. Heard forthwith.

. The Petitioner relies on the order dated 30.1.1987 wherein to consider his request for allowing the marginal surface land under Section 8(4) of the Urban Land Ceiling Act, he was asked to apply for exemption under Section 20 which was to be decided on merits. The Petitioner accordingly applied on 12.8.1987. It appears that the matter was not heard for the long time. Thereafter the Petitioner received communication dated 21.4.2006 whereby he has been informed that the land has been acquired for municipal school propose and the possession handed over.

. The reply has been filed on behalf of the Deputy Collector. It is set out therein that the land under the D.P. Plan was reserved for extension of municipal primary school and there is no policy of government to exempt the above surplus vacant land as marginal surface vacant land. In these circumstances, that land was vacant for the purpose of reservation.

. Having heard learned counsel, we find that he order does not suffer from the error apparent on the face of the record. Hence, no interference is called for. Petition accordingly rejected.

(R.M. SAVANT,J.) **(F.I.REBELLO, J.)**